

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38955 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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Harendra Yadav Son of Lakdu Yadav Resident of Village - Azirapur Diyar,
P.S.- and Distt.- Ballia (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 30-09-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Excise P.S. Case No. 36 of 2022 lodged under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, recovery of 332 gm
illegal foreign wine was alleged to be made from the possession
of the petitioner from the seized vehicle.

Learned counsel for the petitioner submits that
petitioner is not confined with the vehicle and petitioner is the
driver but completely unaware that illegal wine has been loaded

in the vehicle. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 08.05.2022 having clean antecedent. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 2, Buxar in connection with Excise P.S. Case No. 36 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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